

REMARKS

This Amendment is in response to the Office Action dated March 30, 2004. In this case, Claims 1 to 13 are pending. Claims 1 to 5 stand rejected. Claims 6 to 13 have been objected to but would otherwise be in condition for allowance if rewritten to include all base claim elements.

In this Amendment, claim 5 is being amended. It should be appreciated that no new matter is being introduced by way of any of that amendment. It is believed that no fee is due in connection with this Amendment, however, please charge Deposit Account No. 02-1818 for any fees deemed to be owed.

In the Office Action, Claim 5 was rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim subject matter which Applicants regard as their invention. In particular, there is no antecedent basis for “the window width” in Claim 5. Claims 1 to 4 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,457,999 to Feldman (“*Feldman*”).

Regarding the §112 rejection, Claim 5 has been amended accordingly. Claim 5 now conforms to the subject matter set forth beginning at page 5, line 20 of the translation of the specification. The window width is said to be for formation of the average value. The window width is compared from time to time with the periodicity. Claim 5 as presently presented is consistent with that disclosure.

Regarding the 35 U.S.C. §102(b), Applicants respectfully traverse the rejection. Claim 1 of the present invention specifies as follows:

A method for noninvasive measurement of an internal pressure in elastic vessels in which a force is measured on the outer surface of the vessel and the internal pressure is ascertained with the aid of a difference from the measured force and a relaxation profile estimated in advance, characterized in that the relaxation profile is repeatedly checked after the start of the measurement.

In Claim 1, internal pressure is ascertained with the aid of: (i) a force measurement and (ii) a relaxation profile estimated in advance, where the relaxation profile is repeatedly checked after the start of the measurement. On the other hand, column 6, line 61 to column 7, line 17 of *Feldman* teaches only a measuring step. In particular, *Feldman* states::

By measuring the difference between an initial frequency wherein the invention is subject to a known force or pressure (such as a no-load situation) and an unknown

force or pressure, a value for the unknown force or pressure can be determined (column 7, lines 9 to 12, emphasis added).

Feldman discusses a measuring step. It does not teach or suggest the use of a profile estimated in advance. It cannot therefore teach or suggest the use of a relaxation profile estimated in advance. Moreover, it cannot teach or suggest the use of a relaxation profile estimated in advance, where the relaxation profile is repeatedly checked after the start of the measurement. Each of these features is included in Claim 1.

As stated at page 4 of the translation of the specification, vessel material will creep over time. That relaxation behavior is taken into account by a function or curve, which is used in combination with measured values to find an actual internal pressure. In the present invention, the relaxation curve is checked or verified after the start of the measuring of the values. *Feldman* does not disclose, teach or suggest such features. Applicants therefore respectfully submit that Claim 1 and Claims 2 to 13 that depend from Claim 1 are patentably distinguished over *Feldman*.

Applicants accordingly respectfully request that the above-identified patent application be deemed in a condition for allowance.

Respectfully submitted,

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